



COPY OF PAPERS  
ORIGINALLY FILED

Docket No. 6311-010

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Post Office as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231, on

Date:

Name:

Signature:

2-8-02

Melissa Scanzillo

Clifford Chance Rogers & Wells LLP

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Martin et al.

Filed: June 26, 2001

Group Art Unit: 2166

Serial No: 09/891,945

Examiner: to be determined

For: TRADE ALLOCATION

PETITION UNDER 37 CFR §1.47(b) IN SUPPORT OF ACCEPTING A DECLARATION  
WHEN AN INVENTOR REFUSES TO SIGN

Commissioner for Patents  
**BOX MISSING PARTS**  
Washington, D.C. 20231

Sir:

This petition is being filed in response to an inventor's refusal to sign an application for a patent. Applicants respectfully submit the following: Copy of Declaration of Ms. Melissa Scanzillo under 35 CFR 1.47(b) in Support of Accepting a Declaration when an Inventor Refuses to Sign and Exhibits and Fee as set forth under 37 CFR §1.17(i).

Applicants respectfully state that a *bona fide* and diligent attempt was made to obtain Mr. William Martin's signature and that Mr. Martin refused to execute the declaration of inventorship. The enclosed declaration for this application bears Mr. Martin's name.

The last known address of Mr. Martin is 141 West Jackson Boulevard, Chicago, IL 60604.

As detailed in the attached Declaration of Ms. Melissa Scanzillo, Mr. Martin, an employee of UBS Warburg, has been contacted on numerous occasions and Mr. Martin has not made an attempt to execute the declaration for this application.

This application was originally filed with unsigned papers indicating William Martin, Matt Smith and Susan Estes as inventors. Upon further review of the claims, it has come to our attention that William Martin is the sole inventor of this application. Since no Declaration was executed, no petition is necessary to effectuate this change.

**RECEIVED**

MAR 11 2002

OFFICE OF PETITIONS

NYA 516876.1

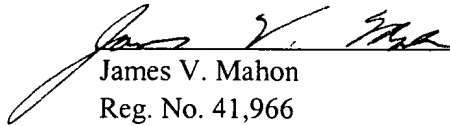
Applicants respectfully request the grant of this Petition.

The Commissioner is hereby authorized to charge the petition fee of \$130.00 and any additional fee, or credit any overpayment to Deposit Account No. 50-0521. A duplicate copy of this transmittal is enclosed.

Respectfully submitted,

Date:

Feb 8, 2002

  
James V. Mahon  
Reg. No. 41,966

Clifford Chance Rogers & Wells LLP  
200 Park Avenue  
New York, NY 10166-0153  
Telephone: (212) 878-8073



#5

**DECLARATION AND POWER OF ATTORNEY**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name,

I believe I am the original, first and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

TRADE ALLOCATION

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the specification of which (check one) is:

☐ attached hereto

☒ was filed on June 26, 2001  
as Application Serial No. 09/891,945  
and amended on \_\_\_\_\_ (if applicable).

☐ was described and claimed in PCT Application No.  
filed on \_\_\_\_\_ and amended under Article 19 on \_\_\_\_\_

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose all information I know to be material to patentability in accordance with Title 37, Code of Federal Regulation, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Prior Foreign Application(s)

<u>Serial Number</u>	<u>Country</u>	<u>Filing Date</u>	<u>Priority Claimed</u> <u>(Y/N)</u>
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I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

<u>Serial Number</u>	<u>Filing Date</u>	<u>Status</u>
60/215,158	6/30/00	expired

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

And I hereby appoint: Victor Siber, Reg. No. 25,149, Philip E. Roux, Reg. No. 31,295, James V. Mahon, Reg. No. 41,966, Joseph Levi, Reg. No. 41,152, Mitchell S. Feller, Reg. No. 42,530, Ira J. Schaefer, Reg. No. 26,802, Drew M. Wintringham, Reg. No. 31,894

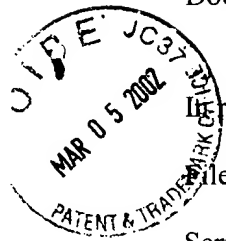
all of the firm of Clifford Chance Rogers & Wells LLP, 200 Park Avenue, New York, New York 10166-0153, my attorney with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

Address all communications to:

James V. Mahon, Esq.  
Clifford Chance Rogers & Wells LLP  
200 Park Avenue, New York, NY 10166  
(212) 878-8073

Wherefore I request that Letters Patent be granted to me for the invention or discovery described and claimed in the foregoing specification and claims, and I hereby subscribe my name to the foregoing specification and claims, declaration, power of attorney, and this petition.

<b>Full name of sole inventor</b>	William Martin		
Inventor's signature		Date	
Residence	141 West Jackson Boulevard, Chicago, IL 60604		
Citizenship	USA		
Post Office Address	141 West Jackson Boulevard, Chicago, IL 60604		



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Here Application of: Martin et al.

Filed: June 26, 2001

Group Art Unit: 2166

Serial No: 09/891,945

Examiner: to be determined

For: TRADE ALLOCATION

Commissioner for Patents  
Washington, D.C. 20231

COPY OF PAPERS  
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**DECLARATION OF MS. MELISSA SCANZILLO UNDER 37 CFR 1.47(b) IN SUPPORT OF  
ACCEPTING A DECLARATION WHEN AN INVENTOR REFUSES TO SIGN**

Sir:

1. My name is Melissa Scanzillo. I am a Patent Paralegal at Clifford Chance Rogers & Wells LLP.
2. I have sent numerous letters/e-mails to Mr. William Martin over the past several months regarding obtaining his signature on the Declaration required in connection with the above-identified U.S. patent application.
3. On July 19, 2001, I left a message for Mr. Martin to return my call regarding his address and citizenship along with the address and citizenship of the other 2 inventors (Exhibit A).
4. On July 30, 2001, I left a second voice-mail message for Mr. Martin requesting the same information as indicated in item 3 above (Exhibit B).
5. July 2001 through present, I would have weekly meetings with Mr. Joseph Kincart to discuss outstanding issues on all patent matters including this application. Mr. Kincart was the attorney who handled this client's portfolio.
6. On November 26, 2001, I e-mailed a Declaration and Power of Attorney, Assignment and PCT Power of Attorney to Mr. Martin (Exhibit C).
7. On December 17, 2001, I sent a letter to Mr. Martin enclosing a Declaration and Power of Attorney, Assignment and PCT Power of Attorney. I also included a return Federal Express envelope for his convenience (Exhibit D).
8. On January 10, 2002, I sent a letter to Mr. Alfred Kellogg, Director. Mr. Kellogg was to coordinate with Mr. Martin the execution of the Declaration and Power of Attorney, Assignment and PCT Power of Attorney (Exhibit E).

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Dated: \_\_\_\_\_

2/8/02

Melissa Scanzillo

Time: 10:31 AM

Client(s) :

Date Range: 07/01/01-07/31/01

Report: TIMEEDIT

Matter(s) :

Status: Pending; Released; Posted;

EXHIBIT A

Req'd By: scanzilm

Employee: 21036 Scanzillo, Melissa

Time ID/ Status/ Entry	Client/ Matter	Location Code/ Location	Phase, Task Code/ Phase, Task	Hours	Rate Amount	Base Amount
5031102	006311	UBS-AG/Intellectual Property	01	0.75	123.75	123.75
WIP	00058	PCT: EGRAPH: electronic graph	New York Office			
Posted	<b>Narrative Text:</b> Prepared PCT power of attorney for B. Renggli's signature; send email to B. Renggli re: same; prepare PCT power of attorney for inventor's signature; send letter to A. Kellogg re: same and application as filed with the PCT.					
X 5031105	006311	UBS-AG/Intellectual Property	01	0.25	41.25	41.25
WIP	00060	PCT: Trade Allocation	New York Office			
Posted	<b>Narrative Text:</b> Call UBS Warburg in Connecticut and Chicago trying to locate addresses and citizenship for 3 inventors. Spoke with Wendy in Chicago and left message for Bill Martin re: same.					
5031107	006680	Cabinet Hirsch	01	0.50	82.50	82.50
WIP	00006	Cross - Measurement of Acousti	New York Office			
Posted	<b>Narrative Text:</b> Prepare response to notification of missing requirements; prepare petition for extension of time; prepare assignment cover sheet for recordal in the USPTO.					
5031108	006680	Cabinet Hirsch	01	0.50	82.50	82.50
WIP	00007	Multi-Chord Ultrasonic Flowmete	New York Office			
Posted	<b>Narrative Text:</b> Prepare response to notification of missing requirements; prepare petition for extension of time; prepare assignment cover sheet for recordal in the USPTO. Speak with V. Wallace of the USPTO re: correction of the International Filing Date - USPTO mistake.					
5031091	006680	Cabinet Hirsch	01	0.25	41.25	41.25
WIP	00009	Process for the Preparation of 1,	New York Office			
Posted	<b>Narrative Text:</b> Revise assignment and declaration; send email to M. Hirsch re: same.					
5031106	007207	Authentidate, Inc.	01	0.25	41.25	41.25
WIP	00004	Patent general	New York Office			
Posted	<b>Narrative Text:</b> Revised declaration and assignment; draft letter to J. Botti re: execution of said documents.					

Date: 8/2/2001

Time: 10:31 AM

Client(s):

Matter(s):

Employee: 21036 Scanzillo, Melissa

Date Range: 07/01/01-07/31/01

Status: Pending; Released; Posted;

## Time Detail

Report: TIMEEDIT

Req'd By: scanzilm

EXHIBIT B

Time ID/ Status/ Entry Status	Client/ Matter	Location Code/ Location	Phase, Task Code/ Phase, Task	Hours	Rate Amount	Base Amount
* 5043415	006311	UBS-AG/Intellectual Property	01	0.25	41.25	41.25
WIP	00060	PCT: Trade Allocation	New York Office			
Posted	Narrative Text: Left 2nd voice mail message for W. Martin regarding his address and citizenship and correct inventorship on PCT application.					
5043406	007157	Symbol Technologies, Inc.	01	0.25	41.25	41.25
WIP	00291	Method/System for Processing Ir	New York Office			
Posted	Narrative Text: Prepare response to the Notice to File Missing Parts.					
5043409	007190	Optimal Robotics Corp	01	0.50	82.50	82.50
WIP	00203	Apparatus for Self-Serve Checkoi	New York Office			
Posted	Narrative Text: Prepared PCT Request transmittal for filing with the USPTO.					
5043410	007190	Optimal Robotics Corp	01	0.25	41.25	41.25
WIP	00204	Self- Checkout Method and Appa	New York Office			
Posted	Narrative Text: Prepared PCT Request transmittal for filing with the USPTO.					
5043433	007192	Network Specialist, Inc.	01	0.25	41.25	41.25
WIP	00004	Patent Work - General	New York Office			
Posted	Narrative Text: Made copies and filed change of correspondence address and appointment of associate attorney form with the USPTO.					
5043411	007207	Authentidate, Inc.	01	0.50	82.50	82.50
WIP	00201	Digital File Management And Im	New York Office			
Posted	Narrative Text: Draft letter to J. Botti regarding confirmation of not entering the national phase.					

**Scanzillo, Melissa (Litigation-NY)**

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**From:** Scanzillo, Melissa (Litigation-NY)  
**Sent:** Monday, November 26, 2001 4:53 PM  
**To:** 'bill-za.martin@ubs.com'  
**Cc:** 'Alfred.Kellogg@ubsw.com'; Siber, Victor (Litigation-NY); Kincart, Joseph (Litigation-NY); Mahon, James V. (Litigation-NY); Felenstein, Carol (Secretarial-NY)  
**Subject:** Execution of Documents - our ref. 6311-60 and 6311-10  
**Importance:** High

Re: PCT Patent Application No. PCT/US0120693  
Int'l Filing Date: June 28, 2001  
TRADE ALLOCATION  
Our Ref.: 6311-060

U.S. Patent Application No. 09/891,945  
Filing Date: June 26, 2001  
TRADE ALLOCATION  
Our Ref.: 6311-010

Dear Mr. Martin:

Further to my telephone conversation today with your assistant, Sue, attached please find a PCT Power of Attorney document, a U.S. Declaration and Power of Attorney form and an Assignment form. Kindly sign and date each form and where required please fill in your address and citizenship. Since the due date for filing these forms with the USPTO has passed, please send the executed documents back to me via overnight mail.

Thank you for your assistance.

Melissa Scanzillo  
Clifford Chance Rogers & Wells LLP  
200 Park Avenue  
New York, NY 10166  
212-878-8476 - tel.  
212-878-3356 - fax



503897\_1.DOC



504918\_1.DOC



504924\_1.DOC



**C L I F F O R D  
C H A N C E  
R O G E R S & W E L L S**

**CLIFFORD CHANCE  
ROGERS & WELLS LLP**

200 PARK AVENUE  
NEW YORK NEW YORK 10166 0153

TEL +1 212 878 8000  
FAX +1 212 878 8375  
www.cliffordchance.com

**Melissa Scanzillo**  
Paralegal

DIRECT TEL 1 212 878 8476  
DIRECT FAX 1 212 878 3356  
melissa.scanzillo@cliffordchance.com

VIA OVERNIGHT MAIL

December 17, 2001

Mr. William Martin  
UBS Warburg  
141 West Jackson Boulevard  
Chicago, IL 60604

Re: U.S. Patent Application No. 09/891,945  
Filing Date: June 26, 2001  
TRADE ALLOCATION  
Our Ref.: 6311-010

PCT Patent Application No. PCT/US01/20693  
Int'l Filing Date: June 28, 2001  
TRADE ALLOCATION  
Our Ref.: 6311-060

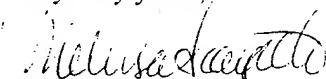
Dear Mr. Martin:

Enclosed please find the following documents: Declaration and Power of Attorney, Assignment and PCT Power of Attorney. Kindly sign and date these documents, filling in your citizenship and address where required. A self-addressed Federal Express envelope is enclosed for your convenience.

Please note that the Assignment needs to be signed in the presence of a notary.

Thank you for your assistance.

Very truly yours,

  
Melissa Scanzillo

enclosures

cc: Alfred Kellogg, Esq. (w/o enclosures) – UBS Warburg  
Victor Siber, Esq. (w/o enclosures)

Melissa Scanzillo  
Paralegal

DIRECT TEL 1 212 878 8476  
DIRECT FAX 1 212 878 3356  
melissa.scanzillo@cliffordchance.com

VIA OVERNIGHT MAIL

January 10, 2002

Alfred Kellogg, Esq.  
UBS AG  
677 Washington Blvd.  
Stamford, CT 06901

Re: U.S. Patent Application No. 09/891,945  
Filing Date: June 26, 2001  
TRADE ALLOCATION  
Our Ref.: 6311-010

PCT Patent Application No. PCT/US01/20693  
Int'l Filing Date: June 28, 2001  
TRADE ALLOCATION  
Our Ref.: 6311-060

Dear Mr. Kellogg:

In accordance with your meeting today with Jim Mahon and Victor Siber, enclosed please find a Declaration and Power of Attorney, Assignment and PCT Power of Attorney for William Martin's signature.

Kindly have Mr. Martin sign and date these documents, filling in his citizenship and address where required. Please have these documents returned to me by February 16, 2002 (this is the final deadline for filing the Declaration with the USPTO). Please note that the Assignment needs to be signed in the presence of a notary.

If you have any questions, please contact Jim Mahon at 212-878-8073. Thank you for your assistance.

Best wishes in the New Year.

Very truly yours,

  
Melissa Scanzillo

enclosures